

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

ESTATE OF OMAR RILEY,)
c/o STEVEN P. MUTERSBAUGH,)
Administrator)
23 S. Main Street, Suite 301)
Akron, OH 44308)

CASE NO:

JUDGE:

ESTATE OF ANIYLA RILEY,)
c/o STEVEN P. MUTERSBAUGH,)
Administrator)
23 S. Main Street, Suite 301)
Akron, OH 44308)

**COMPLAINT AND DEMAND FOR
JURY TRIAL**
Type: Products Liability

ESTATE OF SHANICE RILEY,)
c/o STEVEN P. MUTERSBAUGH,)
Administrator)
23 S. Main Street, Suite 301)
Akron, OH 44308)

ESTATE OF SHIRLEY WALLIS)
c/o STEVEN P. MUTERSBAUGH,)
Administrator)
23 S. Main Street, Suite 301)
Akron, OH 44308)

ESTATE OF THE GUARDIANSHIP)
OF SHANIYA SIMPSON)
c/o Alan Medvic,)
Administrator)
23 S. Main Street, Suite 301)
Akron, OH 44308)

JENNIFER GRUBBS)
398 Herms Court)
Barberton, OH 44203)

Plaintiffs)

v.)

GENERAL ELECTRIC, INC.)
C/O CT CORPORATION SYSTEM)
4400 Easton Commons Way)
Suite 125)

Columbus, OH 43219)
)
)
Defendant)
)
)
GENERAL ELECTRIC, INC.)
d/b/a Hotpoint)
C/O CT CORPORATION SYSTEM)
4400 Easton Commons Way)
Suite 125)
Columbus, OH 43219)
)
)
Defendant)

Now comes Plaintiff, by and through counsel, and for their Complaint against Defendant General Electric, Inc, and General Electric, Inc. d/b/a Hotpoint states as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Steven P. Mutersbaugh is the duly appointed representative and administrator of the Estates of Ohio residents Omar Riley, Shirley Wallis, Shanice Riley, and Aniyila Riley, all deceased in the December 3, 2016 fire, which occurred in Akron, Summit County, Ohio.

2. Plaintiff Alan Medvic is the duly appointed representative of the Estate of the Guardianship of Shaniya Simpson, a minor and survivor of the December 3, 2016 fire, which occurred in Akron, Summit County Ohio.

3. Plaintiff Jennifer Grubbs is a Summit County, Ohio resident, and survivor of the December 3, 2016 fire, which occurred in Akron, Summit County, Ohio.

4. Defendant General Electric Company, Inc. is a Connecticut corporation which manufactured the gas range which was the cause of the December 3, 2016 fire, which caused the deaths of Omar Riley, Shirely Wallis, Aniyla Riley, and Shanice Riley, and caused severe injuries to Shaniya Simpson and Jennifer Grubbs.

5. Defendant General Electric Company, Inc., d/b/a Hotpoint (hereinafter "G.E.") is a Connecticut corporation which manufactured the gas range which was the cause of the December 3, 2016 fire, which caused the deaths of Omar Riley, Shirely Wallis, Aniyla Riley, and Shanice Riley, and caused severe injuries to Shaniya Simpson and Jennifer Grubbs.

6. The subject matter jurisdiction of this Court is based upon diversity of citizenship pursuant to 28 U.S.C.S. § 1332, and the matter has a value in excess of \$75,000.

7. Venue is proper in the Northern District of Ohio as the decedents were residents of Akron, Summit County, Ohio, and the fire which caused their deaths was in Akron, Summit County, Ohio.

FACTUAL BACKGROUND

8. On December 3, 2016, in Akron, Summit County Ohio, a gas range manufactured by G.E. and installed at 266 E. Tallmadge Rd. malfunctioned causing a house fire. This fire caused the deaths of occupants Omar Riley, Shirley Wallis, Aniyla Riley, and Shanice Riley, and caused severe injury to occupants Shaniya Simpson and Jennifer Grubbs.

CAUSES OF ACTION

COUNT I: NEGLIGENCE

9. Plaintiff incorporates by reference paragraphs 1-7 of the Complaint as if fully set forth herein.

10. Defendant had a duty to individuals, including all Plaintiffs, to use reasonable care in designing, manufacturing, marketing, labeling, packaging, and selling the G.E. gas range.

11. Defendant was negligent and grossly negligent in failing to use reasonable care in designing, manufacturing, marketing, labeling, packaging, and selling the G.E. gas range.

12. As a direct and proximate result of Defendant's negligence and gross negligence, Omar Riley, Shirley Wallis, Shanice Riley, and Aniyila Riley, suffered severe injuries, burns and smoke inhalation sustained during the fire, resulting in their deaths.

13. As a direct and proximate result of Defendant's negligence and gross negligence, Shaniya Simpson and Jennifer Grubbs suffered severe injuries, burns and smoke inhalation, and were caused and/or in the future will be caused to suffer severe personal injuries, pain and suffering, severe loss of enjoyment of life, financial and economic loss, including but not limited to obligations for medical services and expenses, present and future lost wages, and other damages.

**COUNT II: OHIO PRODUCTS LIABILITY ACT R.C. §2307.75- DESIGN
DEFECT**

14. Plaintiffs incorporate by reference paragraphs 1-13 of the Complaint as fully set forth herein.

15. The G.E. gas range was not reasonably safe for its intended use and was defective as a matter of law with respect to its design.

16. As a direct and proximate result of the G.E. gas range's aforementioned defects, Omar Riley, Shirley Wallis, Shanice Riley, and Aniyla Riley, suffered severe injuries, burns and smoke inhalation sustained during the fire, resulting in their deaths.

17. As a direct and proximate result of the G.E. gas range's aforementioned defects, Shaniya Simpson and Jennifer Grubbs suffered severe injuries, burns and smoke inhalation, and were caused and/or in the future will be caused to suffer severe personal injuries, pain and suffering, severe loss of enjoyment of life, financial and economic loss, including but not limited to obligations for medical services and expenses, present and future lost wages, and other damages.

18. Defendants are liable under R.C. §2307.75 to all Plaintiffs for designing, manufacturing, marketing, labeling, packaging, and selling this defective product.

**COUNT III: OHIO PRODUCTS LIABILITY ACT R.C. §2307.74-
MANUFACTURING DEFECT**

19. Plaintiffs incorporate by reference paragraphs 1-18 of the Complaint as if fully set forth herein.

20. The G.E. gas range was not reasonable safe for its intended use and was defective as a matter of law with respect to its manufacture.

21. As a direct and proximate result of the G.E. gas range's aforementioned defects, Omar Riley, Shirley Wallis, Shanice Riley, and Aniyala Riley, suffered severe injuries, burns and smoke inhalation sustained during the fire, resulting in their deaths.

22. As a direct and proximate result of the G.E. gas range's aforementioned defects, Shaniya Simpson and Jennifer Grubbs suffered severe injuries, burns and smoke inhalation, and were caused and/or in the future will be caused to suffer severe personal injuries, pain and suffering, severe loss of enjoyment of life, financial and economic loss, including but not limited to obligations for medical services and expenses, present and future lost wages, and other damages.

23. Defendants are liable under R.C. §2307.74 to all Plaintiffs for designing, manufacturing, marketing, labeling, packaging, and selling this defective product.

**COUNT IV: OHIO PRODUCTS LIABILITY ACT R.C. §2307.76 & §2307.77-
FAILURE TO WARN**

24. Plaintiffs incorporate by reference paragraphs 1-23 of the Complaint as if fully set forth herein.

25. The G.E. gas range was not reasonably safe for its intended use and were defective as a matter of law due to their lack of appropriate and necessary warning.

26. As a direct and proximate result of the G.E. gas range's aforementioned defects, Omar Riley, Shirley Wallis, Shanice Riley, and Aniyla Riley, suffered severe injuries, burns and smoke inhalation sustained during the fire, resulting in their deaths.

27. As a direct and proximate result of the G.E. gas range's aforementioned defects, Shaniya Simpson and Jennifer Grubbs suffered severe injuries, burns and smoke inhalation, and were caused and/or in the future will be caused to suffer severe personal injuries, pain and suffering, severe loss of enjoyment of life, financial and economic loss, including but not limited to obligations for medical services and expenses, present and future lost wages, and other damages.

28. Defendants are liable under R.C. §2307.76 & §2307.77 to all Plaintiffs for designing, manufacturing, marketing, labeling, packaging, and selling this defective product.

WHEREFORE, Plaintiffs demand a trial by jury, judgment against Defendants for damages in the amount of \$25,000,000.00, and punitive damages in an amount to be determined by a jury, as well as costs, attorney fees, applicable interest, and any other relief, monetary or equitable, to which they are entitled.

PLAINTIFF DEMANDS A TRIAL BY JURY.

Respectfully submitted

s/ Stanley P. Aronson

Stanley P. Aronson – 0024836

Attorney for Plaintiffs

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